



January 20, 2016

SENATE BILL No. 305

DIGEST OF SB 305 (Updated January 14, 2016 11:18 am - DI 104)

Citations Affected: IC 20-26; IC 20-50; IC 31-9; IC 31-33; IC 31-34; IC 31-37; IC 35-46.

Synopsis: Department of child services matters. Adds a definition of foster care. Amends the deadline for the department of child services (department) to notify a school corporation that a child in foster care will attend a school to September 1. Adds: (1) human or sexual trafficking offenses; (2) sexual battery against a child; (3) vicarious sexual gratification offenses; (4) child solicitation; (5) patronizing a prostitute; and (6) promoting prostitution; to the list of offenses under which a child victim may be designated as a child in need of services. Adds a child in need of services designation for a child who: (1) lives in the same household as an adult who committed or is charged with human or sexual trafficking; and (2) needs care, treatment, or rehabilitation that the child is not receiving or is unlikely to be provided without intervention. Removes the requirement that a delinquent child must be removed from the home in order to enter an informal adjustment. Allows any court with jurisdiction over a child in an adoption matter to approve excess payments for costs incurred by the birth mother. Repeals language regarding foster care review boards. Adds missing Interstate Compact on the Placement of Children language. Adds the National Center for Missing and Exploited Children to the entities with which the department may share assessment reports.

Effective: July 1, 2016.

**Head, Lanane, Breau, Kruse,
Miller Patricia**

January 6, 2016, read first time and referred to Committee on Family & Children Services.
January 19, 2016, amended, reported favorably — Do Pass.

SB 305—LS 6656/DI 125



January 20, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 305

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-26-11-9, AS AMENDED BY P.L.131-2009,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 9. (a) This section applies to each student:

- 4 (1) described in section 8(a) of this chapter;
5 (2) who is placed in a home or facility in Indiana that is outside
6 the school corporation where the student has legal settlement; and
7 (3) for which the state is not obligated to pay transfer tuition.

8 (b) Not later than ten (10) days after the department of child
9 services or a probation department places or changes the placement of
10 a student, the department of child services or probation department that
11 placed the student shall notify the school corporation where the student
12 has legal settlement and the school corporation where the student will
13 attend school of the placement or change of placement. Before ~~June 30~~
14 **September 1** of each year, the department of child services or a
15 probation department that places a student in a home or facility shall
16 notify the school corporation where a student has legal settlement and
17 the school corporation in which a student will attend school if a

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student's placement will continue for the ensuing school year. The notifications required under this subsection must be made by:

- (1) the department of child services, if the child is a child in need of services; or
- (2) if subdivision (1) does not apply, the court or other agency making the placement.

SECTION 2. IC 20-50-2-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.1. As used in this chapter, "foster care" has the meaning set forth in IC 31-9-2-46.7.**

SECTION 3. IC 20-50-3-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.1. As used in this chapter, "foster care" has the meaning set forth in IC 31-9-2-46.7.**

SECTION 4. IC 31-9-2-14, AS AMENDED BY P.L.48-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) "Child abuse or neglect", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to a child described in IC 31-34-1-1 through IC 31-34-1-5 and **IC 31-34-1-8 through IC 31-34-1-11**, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

(b) For purposes of subsection (a), the term under subsection (a) does not refer to a child who is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

(c) "Child abuse or neglect", for purposes of IC 31-34-2.3, refers to acts or omissions by a person against a child as described in IC 31-34-1-1 through ~~IC 31-34-1-9~~, **IC 31-34-1-11**, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

SECTION 5. IC 31-9-2-133.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 133.1. "Victim of human or sexual trafficking", for purposes of IC 31-34-1-3.5, refers to a child who is recruited, harbored, transported, or engaged in:**

- (1) forced labor;
- (2) involuntary servitude;
- (3) prostitution;
- (4) child exploitation, as defined in IC 35-42-4-4(b);



1 **(5) marriage, unless authorized by a court under**
 2 **IC 31-11-1-6; or**

3 **(6) trafficking for the purpose of prostitution or participation**
 4 **in sexual conduct as defined in IC 35-42-4-4(a)(4).**

5 SECTION 6. IC 31-33-18-2, AS AMENDED BY P.L.123-2014,
 6 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2016]: Sec. 2. The reports and other material described in
 8 section 1(a) of this chapter and the unredacted reports and other
 9 material described in section 1(b) of this chapter shall be made
 10 available only to the following:

11 (1) Persons authorized by this article.

12 (2) A legally mandated public or private child protective agency
 13 investigating a report of child abuse or neglect or treating a child
 14 or family that is the subject of a report or record.

15 (3) Any of the following who are investigating a report of a child
 16 who may be a victim of child abuse or neglect:

17 (A) A police officer or other law enforcement agency.

18 (B) A prosecuting attorney.

19 (C) A coroner, in the case of the death of a child.

20 (4) A physician who has before the physician a child whom the
 21 physician reasonably suspects may be a victim of child abuse or
 22 neglect.

23 (5) An individual legally authorized to place a child in protective
 24 custody if:

25 (A) the individual has before the individual a child whom the
 26 individual reasonably suspects may be a victim of abuse or
 27 neglect; and

28 (B) the individual requires the information in the report or
 29 record to determine whether to place the child in protective
 30 custody.

31 (6) An agency having the legal responsibility or authorization to
 32 care for, treat, or supervise a child who is the subject of a report
 33 or record or a parent, guardian, custodian, or other person who is
 34 responsible for the child's welfare.

35 (7) An individual named in the report or record who is alleged to
 36 be abused or neglected or, if the individual named in the report is
 37 a child or is otherwise incompetent, the individual's guardian ad
 38 litem or the individual's court appointed special advocate, or both.

39 (8) Each parent, guardian, custodian, or other person responsible
 40 for the welfare of a child named in a report or record and an
 41 attorney of the person described under this subdivision, with
 42 protection for the identity of reporters and other appropriate



1 individuals.

2 (9) A court, for redaction of the record in accordance with section
3 1.5 of this chapter, or upon the court's finding that access to the
4 records may be necessary for determination of an issue before the
5 court. However, except for disclosure of a redacted record in
6 accordance with section 1.5 of this chapter, access is limited to in
7 camera inspection unless the court determines that public
8 disclosure of the information contained in the records is necessary
9 for the resolution of an issue then pending before the court.

10 (10) A grand jury upon the grand jury's determination that access
11 to the records is necessary in the conduct of the grand jury's
12 official business.

13 (11) An appropriate state or local official responsible for child
14 protection services or legislation carrying out the official's official
15 functions.

16 ~~(12) A foster care review board established by a juvenile court~~
17 ~~under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the~~
18 ~~court's determination that access to the records is necessary to~~
19 ~~enable the foster care review board to carry out the board's~~
20 ~~purpose under IC 31-34-21.~~

21 ~~(13)~~ (12) The community child protection team appointed under
22 IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to
23 enable the team to carry out the team's purpose under IC 31-33-3.

24 ~~(14)~~ (13) A person about whom a report has been made, with
25 protection for the identity of:

26 (A) any person reporting known or suspected child abuse or
27 neglect; and

28 (B) any other person if the person or agency making the
29 information available finds that disclosure of the information
30 would be likely to endanger the life or safety of the person.

31 ~~(15)~~ (14) An employee of the department, a caseworker, or a
32 juvenile probation officer conducting a criminal history check
33 under IC 31-26-5, IC 31-34, or IC 31-37 to determine the
34 appropriateness of an out-of-home placement for a:

35 (A) child at imminent risk of placement;

36 (B) child in need of services; or

37 (C) delinquent child.

38 The results of a criminal history check conducted under this
39 subdivision must be disclosed to a court determining the
40 placement of a child described in clauses (A) through (C).

41 ~~(16)~~ (15) A local child fatality review team established under
42 IC 16-49-2.



~~(17)~~ **(16)** The statewide child fatality review committee established by IC 16-49-4.

~~(18)~~ **(17)** The department.

~~(19)~~ **(18)** The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

~~(20)~~ **(19)** A citizen review panel established under IC 31-25-2-20.4.

~~(21)~~ **(20)** The department of child services ombudsman established by IC 4-13-19-3.

~~(22)~~ **(21)** The state superintendent of public instruction with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

~~(23)~~ **(22)** The state child fatality review coordinator employed by the state department of health under IC 16-49-5-1.

~~(24)~~ **(23)** A person who operates a child caring institution, group home, or secure private facility if all the following apply:

(A) The child caring institution, group home, or secure private facility is licensed under IC 31-27.

(B) The report or other materials concern:

(i) an employee of;

(ii) a volunteer providing services at; or

(iii) a child placed at;

the child caring institution, group home, or secure private facility.

(C) The allegation in the report occurred at the child caring institution, group home, or secure private facility.

~~(25)~~ **(24)** A person who operates a child placing agency if all the following apply:

(A) The child placing agency is licensed under IC 31-27.

(B) The report or other materials concern:



- (i) a child placed in a foster home licensed by the child placing agency;
- (ii) a person licensed by the child placing agency to operate a foster family home;
- (iii) an employee of the child placing agency or a foster family home licensed by the child placing agency; or
- (iv) a volunteer providing services at the child placing agency or a foster family home licensed by the child placing agency.

(C) The allegations in the report occurred in the foster family home or in the course of employment or volunteering at the child placing agency or foster family home.

(25) The National Center for Missing and Exploited Children.

SECTION 7. IC 31-34-1-3, AS AMENDED BY P.L.168-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child is the victim of ~~a sex~~ **an** offense under:

- (A) IC 35-42-4-1;
- (B) IC 35-42-4-2 (before its repeal);
- (C) IC 35-42-4-3;
- (D) IC 35-42-4-4;
- (E) IC 35-42-4-5;**
- (F) IC 35-42-4-6;**
- ~~(G)~~ **(H) IC 35-42-4-8;**
- ~~(I)~~ **(H) IC 35-42-4-9;**
- ~~(J)~~ **(I) IC 35-45-4-1;**
- ~~(K)~~ **(J) IC 35-45-4-2;**
- (L) IC 35-45-4-3;**
- (M) IC 35-45-4-4;**
- ~~(N)~~ **(M) IC 35-46-1-3;** or
- ~~(O)~~ **(N)** the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through ~~(H)~~ **(N)**; and

(2) the child needs care, treatment, or rehabilitation that:

- (A) the child is not receiving; and
- (B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child lives:



- 1 (A) in the same household as another child who is the victim
 2 of a ~~sex an~~ offense under:
 3 ~~(A)~~ (i) IC 35-42-4-1;
 4 ~~(B)~~ (ii) IC 35-42-4-2 (before its repeal);
 5 ~~(C)~~ (iii) IC 35-42-4-3;
 6 ~~(D)~~ (iv) IC 35-42-4-4;
 7 (v) IC 35-42-4-5;
 8 (vi) IC 35-42-4-6;
 9 ~~(E)~~ (vii) IC 35-42-4-7;
 10 (viii) IC 35-42-4-8;
 11 ~~(F)~~ (ix) IC 35-42-4-9;
 12 ~~(G)~~ (x) IC 35-45-4-1;
 13 ~~(H)~~ (xi) IC 35-45-4-2;
 14 (xii) IC 35-45-4-3;
 15 (xiii) IC 35-45-4-4;
 16 ~~(I)~~ (xiv) IC 35-46-1-3; or
 17 ~~(J)~~ (xv) the law of another jurisdiction, including a military
 18 court, that is substantially equivalent to any of the offenses
 19 listed in ~~clauses (A)~~ items (i) through (I); (xiv); or
 20 ~~(2) the child lives~~ (B) in the same household as the adult who:
 21 ~~(A)~~ (i) committed the ~~sex~~ offense under ~~subdivision (1)~~
 22 **clause A** and the ~~sex~~ offense resulted in a conviction or a
 23 judgment under IC 31-34-11-2; or
 24 ~~(B)~~ (ii) has been charged with a ~~sex an~~ offense listed in
 25 ~~subdivision (1)~~ **clause (A)** and is awaiting trial;
 26 ~~(3)~~ (2) the child needs care, treatment, or rehabilitation that:
 27 (A) the child is not receiving; and
 28 (B) is unlikely to be provided or accepted without the coercive
 29 intervention of the court; and
 30 ~~(4)~~ (3) a caseworker assigned to provide services to the child:
 31 (A) places the child in a program of informal adjustment or
 32 other family or rehabilitative services based upon the existence
 33 of the circumstances described in ~~subdivisions (1) and (2)~~
 34 **subdivision (1)** and the assigned caseworker subsequently
 35 determines further intervention is necessary; or
 36 (B) determines that a program of informal adjustment or other
 37 family or rehabilitative services is inappropriate.
 38 (c) **A child is a child in need of services if, before the child**
 39 **becomes eighteen (18) years of age:**
 40 (1) **the child lives in the same household as an adult who:**
 41 (A) **committed a human or sexual trafficking offense under**
 42 **IC 35-42-3.5-1 that resulted in a conviction or a judgment**



- under IC 31-34-11-2; or
- (B) has been charged with a human or sexual trafficking offense under IC 35-42-3.5-1 and is awaiting trial; and
- (2) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

SECTION 8. IC 31-34-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

- (1) the child is a victim of human or sexual trafficking (as defined in IC 31-9-2-133.1); and
- (2) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is considered a victim of human or sexual trafficking regardless of whether the child consented to the conduct described in subsection (a)(1).

SECTION 9. IC 31-34-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A person who is accused of committing child abuse or neglect is entitled under ~~IC 31-33-18-2(14)~~ IC 31-33-18-2(13) to access to a report relevant to an alleged accusation.

SECTION 10. IC 31-34-10-3, AS AMENDED BY P.L.234-2005, SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Before complying with the other requirements of this chapter, the juvenile court shall first determine whether the following conditions make it appropriate to appoint a guardian ad litem or a court appointed special advocate, or both, for the child:

- (1) If the child is alleged to be a child in need of services:
 - (A) under IC 31-34-1-6;
 - (B) under IC 31-34-1-10 or IC 31-34-1-11;
 - (C) due to the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with the necessary medical care; or
 - (D) because the location of both of the child's parents is unknown;

the court shall appoint a guardian ad litem or court appointed special advocate, or both, for the child.



(2) If the child is alleged to be a child in need of services under:

(A) IC 31-34-1-1;

(B) IC 31-34-1-2;

(C) IC 31-34-1-3;

(D) IC 31-34-1-3.5;

~~(E)~~ (E) IC 31-34-1-4;

~~(F)~~ (F) IC 31-34-1-5;

~~(G)~~ (G) IC 31-34-1-7; or

~~(H)~~ (H) IC 31-34-1-8;

the court shall appoint a guardian ad litem, court appointed special advocate, or both, for the child.

(3) If the parent, guardian, or custodian of a child denies the allegations of a petition under section 6 of this chapter, the court shall appoint a guardian ad litem, court appointed special advocate, or both, for the child.

SECTION 11. IC 31-34-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Except if a petition is filed under IC 31-34-1-6 **or IC 31-34-1-3.5**, the juvenile court shall determine whether the parent, guardian, or custodian admits or denies the allegations of the petition. A failure to respond constitutes a denial.

SECTION 12. IC 31-34-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. If a petition alleges that the child is a child in need of services under IC 31-34-1-6 **or IC 31-34-1-3.5**, the juvenile court shall determine whether the child admits or denies the allegations. A failure to respond constitutes a denial.

SECTION 13. IC 31-34-12-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) There is a rebuttable presumption that a child is a child in need of services if the state establishes that:

(1) another child in the same household is the victim of:

(A) a ~~sex~~ an offense described in IC 31-34-1-3; or

(B) an offense described in IC 31-34-1-3.5; and

(2) the ~~sex~~ offense described in IC 31-34-1-3 **or IC 31-34-1-3.5:**

(A) was committed by an adult who lives in the household with the child; and

(B) resulted in a conviction of the adult or a judgment under IC 31-34-11-2 as it relates to the child against whom the ~~sex~~ offense was committed.

(b) The following may not be used as grounds to rebut the presumption under subsection (a):

(1) The child who is the victim of:



1 (A) ~~the sex an~~ offense described in IC 31-34-1-3; or

2 (B) **an offense described in IC 31-34-1-3.5;**

3 is not genetically related to the adult who committed the act, but
4 the child presumed to be the child in need of services under this
5 section is genetically related to the adult who committed the act.

6 (2) The child who is the victim of:

7 (A) ~~the sex an~~ offense described in IC 31-34-1-3; or

8 (B) **an offense described in IC 31-34-1-3.5;**

9 differs in age from the child presumed to be the child in need of
10 services under this section.

11 (c) This section does not affect the ability to take a child into
12 custody or emergency custody under IC 31-34-2 if the act of taking the
13 child into custody or emergency custody is not based upon a
14 presumption established under this section. However, if the
15 presumption established under this section is the sole basis for taking
16 a child into custody or emergency custody under IC 31-34-2, the court
17 first must find cause to take the child into custody or emergency
18 custody following a hearing in which the parent, guardian, or custodian
19 of the child is accorded the rights described in IC 31-34-4-6(a)(2)
20 through IC 31-34-4-6(a)(5).

21 SECTION 14. IC 31-34-20-1, AS AMENDED BY P.L.104-2015,
22 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2016]: Sec. 1. (a) Subject to this section and section 1.5 of this
24 chapter, if a child is a child in need of services, the juvenile court may
25 enter one (1) or more of the following dispositional decrees:

26 (1) Order supervision of the child by the department.

27 (2) Order the child to receive outpatient treatment:

28 (A) at a social service agency or a psychological, a psychiatric,
29 a medical, or an educational facility; or

30 (B) from an individual practitioner.

31 (3) Remove the child from the child's home and authorize the
32 department to place the child in another home, shelter care
33 facility, child caring institution, group home, or secure private
34 facility. Placement under this subdivision includes authorization
35 to control and discipline the child.

36 (4) Award wardship of the child to the department for
37 supervision, care, and placement.

38 (5) Partially or completely emancipate the child under section 6
39 of this chapter.

40 (6) Order the child's parent, guardian, or custodian to complete
41 services recommended by the department and approved by the
42 court under IC 31-34-16, IC 31-34-18, and IC 31-34-19.



1 (7) Order a person who is a party to refrain from direct or indirect
 2 contact with the child.
 3 (8) Order a perpetrator of child abuse or neglect to refrain from
 4 returning to the child's residence.
 5 (b) A juvenile court may not place a child in a home or facility that
 6 is located outside Indiana unless:
 7 (1) the placement is recommended or approved by the director of
 8 the department or the director's designee; or
 9 (2) the juvenile court makes written findings based on clear and
 10 convincing evidence that:
 11 (A) the out-of-state placement is appropriate because there is
 12 not a comparable facility with adequate services located in
 13 Indiana;
 14 **(B) institutional care in the other jurisdiction is in the best**
 15 **interest of the child and will not produce undue hardship;**
 16 or
 17 ~~(B)~~ (C) the location of the home or facility is within a distance
 18 not greater than fifty (50) miles from the county of residence
 19 of the child.
 20 (c) If a dispositional decree under this section:
 21 (1) orders or approves removal of a child from the child's home or
 22 awards wardship of the child to the department; and
 23 (2) is the first juvenile court order in the child in need of services
 24 proceeding that authorizes or approves removal of the child from
 25 the child's parent, guardian, or custodian;
 26 the juvenile court shall include in the decree the appropriate findings
 27 and conclusions described in IC 31-34-5-3(b) and IC 31-34-5-3(c).
 28 SECTION 15. IC 31-34-21-9 IS REPEALED [EFFECTIVE JULY
 29 1, 2016]. Sec. 9: (a) The juvenile court may assign cases to a foster care
 30 review board established by the court to assist the court in reviewing
 31 foster care placements.
 32 (b) The foster care review board shall review a foster care
 33 placement at the juvenile court's request and shall file a report;
 34 including findings and recommendations with the court.
 35 (c) If the juvenile court believes the contents of a confidential report
 36 or document would benefit the review board, the court may provide the
 37 review board with an order authorizing disclosure of the document to
 38 the review board. The review board may not disclose the contents of a
 39 confidential report or document to any person who is not allowed
 40 disclosure by the court or by statute.
 41 SECTION 16. IC 31-37-9-1, AS AMENDED BY P.L.146-2008,
 42 SECTION 629, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2016]: Sec. 1. (a) After the preliminary inquiry and upon approval by the juvenile court, the intake officer may implement a program of informal adjustment if the officer has probable cause to believe that the child is a delinquent child. ~~and the child is not removed from the child's home:~~

(b) If the program of informal adjustment includes services requiring payment by the department under IC 31-40-1, the intake officer shall submit a copy of the proposed program to the department before submitting it to the juvenile court for approval. Upon receipt of the proposed program, the department may submit its comments and recommendations, if any, to the intake officer and the juvenile court.

SECTION 17. IC 31-37-19-3, AS AMENDED BY P.L.146-2008, SECTION 649, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A juvenile court may not place a child who is a delinquent child under IC 31-37-2 in a shelter care facility that is located outside the child's county of residence unless:

(1) placement of the child in a shelter care facility with adequate services located in the child's county of residence is unavailable;

or

(2) the child's county of residence does not have an appropriate shelter care facility with adequate services.

(b) A juvenile court may not place a child in a home or facility that is not a secure detention facility and that is located outside Indiana unless:

(1) the placement is recommended or approved by the director of the department or the director's designee; or

(2) the court makes written findings based on clear and convincing evidence that:

(A) the out-of-state placement is appropriate because there is not a comparable facility with adequate services located in Indiana;

(B) institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship;

or

~~(B)~~ (C) the location of the home or facility is within a distance not more than fifty (50) miles from the county of residence of the child.

SECTION 18. IC 31-37-20-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: (a) ~~The juvenile court may assign cases to a foster care review board established by the court to assist the court in reviewing foster care placements. The board shall:~~



(1) review a foster care placement at the juvenile court's request;
and

(2) file a report, including findings and recommendations, with
the court.

(b) If the juvenile court believes the contents of a confidential report
or document would benefit the review board, the court may provide the
review board with an order authorizing disclosure of the document to
the review board. The review board may not disclose the contents of a
confidential report or document to a person who is not allowed
disclosure by the court or by statute.

SECTION 19. IC 35-46-1-9, AS AMENDED BY P.L.158-2013,
SECTION 555, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Except as provided in
subsection (b), a person who, with respect to an adoption, transfers or
receives any property in connection with the waiver of parental rights,
the termination of parental rights, the consent to adoption, or the
petition for adoption commits profiting from an adoption, a Level 6
felony.

(b) This section does not apply to the transfer or receipt of:

- (1) reasonable attorney's fees;
- (2) hospital and medical expenses concerning childbirth and
pregnancy incurred by the adopted person's birth mother;
- (3) reasonable charges and fees levied by a child placing agency
licensed under IC 31-27 or the department of child services;
- (4) reasonable expenses for psychological counseling relating to
adoption incurred by the adopted person's birth parents;
- (5) reasonable costs of housing, utilities, and phone service for the
adopted person's birth mother during the second or third trimester
of pregnancy and not more than six (6) weeks after childbirth;
- (6) reasonable costs of maternity clothing for the adopted person's
birth mother;
- (7) reasonable travel expenses incurred by the adopted person's
birth mother that relate to the pregnancy or adoption;
- (8) any additional itemized necessary living expenses for the
adopted person's birth mother during the second or third trimester
of pregnancy and not more than six (6) weeks after childbirth, not
listed in subdivisions (5) through (7) in an amount not to exceed
one thousand dollars (\$1,000); or
- (9) other charges and fees approved by the court supervising the
adoption, including reimbursement of not more than actual wages
lost as a result of the inability of the adopted person's birth mother
to work at her regular, existing employment due to a medical



1 condition, excluding a psychological condition, if:

2 (A) the attending physician of the adopted person's birth
3 mother has ordered or recommended that the adopted person's
4 birth mother discontinue her employment; and

5 (B) the medical condition and its direct relationship to the
6 pregnancy of the adopted person's birth mother are
7 documented by her attending physician.

8 In determining the amount of reimbursable lost wages, if any, that are
9 reasonably payable to the adopted person's birth mother under
10 subdivision (9), the court shall offset against the reimbursable lost
11 wages any amounts paid to the adopted person's birth mother under
12 subdivisions (5) and (8) and any unemployment compensation received
13 by or owed to the adopted person's birth mother.

14 (c) Except as provided in this subsection, payments made under
15 subsection (b)(5) through (b)(9) may not exceed three thousand dollars
16 (\$3,000) and must be disclosed to the court supervising the adoption.
17 The amounts paid under subsection (b)(5) through (b)(9) may exceed
18 three thousand dollars (\$3,000) to the extent that a court ~~in Indiana~~
19 with jurisdiction over the child who is the subject of the adoption
20 approves the expenses after determining that:

21 (1) the expenses are not being offered as an inducement to
22 proceed with an adoption; and

23 (2) failure to make the payments may seriously jeopardize the
24 health of either the child or the mother of the child and the direct
25 relationship is documented by a licensed social worker or the
26 attending physician.

27 (d) The payment limitation under subsection (c) applies to the total
28 amount paid under subsection (b)(5) through (b)(9) in connection with
29 an adoption from all prospective adoptive parents, attorneys, and
30 licensed child placing agencies.

31 (e) An attorney or licensed child placing agency shall inform a birth
32 mother of the penalties for committing adoption deception under
33 section 9.5 of this chapter before the attorney or agency transfers a
34 payment for adoption related expenses under subsection (b) in relation
35 to the birth mother.

36 (f) The limitations in this section apply regardless of the state or
37 country in which the adoption is finalized.



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 305, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 7, between lines 37 and 38, begin a new paragraph and insert:

"(c) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child lives in the same household as an adult who:

(A) committed a human or sexual trafficking offense under IC 35-42-3.5-1 that resulted in a conviction or a judgment under IC 31-34-11-2; or

(B) has been charged with a human or sexual trafficking offense under IC 35-42-3.5-1 and is awaiting trial; and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 305 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 7, Nays 0.

